



N A R U C
National Association of Regulatory Utility Commissioners

September 23, 2003

The Honorable Michael K. Powell
Chairman
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: CHOICE Coalition Request for Stay in CC Docket No. 01-338

Dear Chairman Powell:

As NARUC's President, I'm writing to offer my general support for the request of the Coalition for High-Speed Online Internet Competition and Enterprise ("CHOICE Coalition") to stay limited portions of the Commission's August 21st *Triennial Review Order*.

On August 27th, the CHOICE Coalition asked the Commission to stay the effective date of the mandatory 25% increase in the price of line-shared loops that is set to take effect on the effective date of the order (October 3, 2003), so that these carriers may obtain the benefit of their right to judicial review of the Commission's order before they suffer irreparable harm. The CHOICE Coalition also asks the Commission to lift its current restrictions preventing competitive DSL providers from adding new line-shared customers after the first year of the order.

As you are no doubt aware, shortly before sunshine closed in the Triennial Review proceeding, NARUC filed a letter that indicated some support for the continuation of line-sharing where states had imposed the requirement.

It appears the CHOICE Coalition requests are generally consistent with that position. They seek only the most limited relief necessary to protect their rights pending judicial review, and additional ancillary relief that is necessary in the first instance to protect the integrity of the Commission's order. It appears the CHOICE Coalition has narrowly tailored its stay requests for a specified and limited period: the time that would be necessary to afford judicial review of portions of the Commission's order, or, alternatively, the time in which existing operational impediments to line splitting can be resolved.

Thank you in advance, for your careful consideration of both NARUC's and the CHOICE Coalition's filings.

Sincerely,



Stan Wise
NARUC President

cc: Commissioner Kathleen Q. Abernathy
Commissioner Kevin J. Martin
Commissioner Michael J. Copps
Commissioner Jonathan Adelstein
Wireline Competition Bureau Chief William Maher
Legal Advisor Christopher Libertelli
Legal Advisor Matthew Brill
Legal Advisor Jessica Rosenworcel
Legal Advisor Daniel Gonzalez
Legal Advisor Lisa Zaina